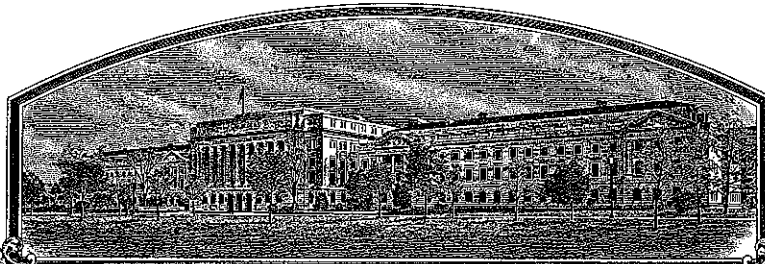


No.

200000341



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Progeny Advanced Genetics, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

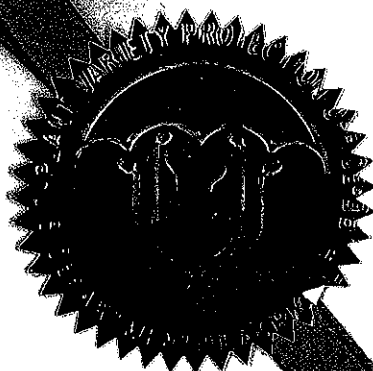
'Enterprise'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this seventh day of August, in the year two thousand and six.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

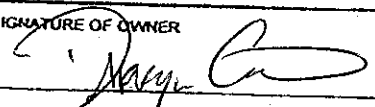
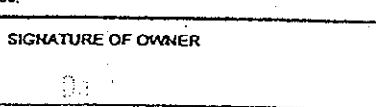
Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following state needs are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.
Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER PROGENY ADVANCED GENETICS, INC.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME PX 796	3. VARIETY NAME ENTERPRISE
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 1536 B MOFFETT STREET SALINAS, CA 93905-3342		5. TELEPHONE (include area code) 831-751-6030	FOR OFFICIAL USE ONLY PVPO NUMBER 20000034
6. FAX (include area code) 831-751-6032		FILING DATE Sept 8, 2000	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) CORPORATION	8. IF INCORPORATED, GIVE STATE OF INCORPORATION CALIFORNIA	9. DATE OF INCORPORATION 12-26-94	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Darryn Gibson Product Development Manager Progeny Advanced Genetics, Inc. 1536 B Moffett Street Salinas, CA 93905			FILING AND EXAMINATION FEES: \$ 2705.00 DATE Sept 8, 2000 CERTIFICATION FEE: \$ 768- DATE May 23, 0
11. TELEPHONE (include area code) 831-751-6030	12. FAX (include area code) 831-751-6032	13. E-MAIL dgibson@redshift.com	14. CROP KIND (Common Name) LETTUCE
15. GENUS AND SPECIES NAME OF CROP LACTUCA SATIVA		16. FAMILY NAME (Botanical) COMPOSITAE	
17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)	
19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act. <input type="checkbox"/> YES (If "yes," answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no," go to item 22)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
21. IF "YES" TO ITEM 20, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES SEPTEMBER 15 1999 <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)	
23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.	
SIGNATURE OF OWNER  NAME (Please print or type) Darryn Gibson		SIGNATURE OF OWNER  NAME (Please print or type) Darryn Gibson	
CAPACITY OR TITLE Product Development Manager	DATE 9/7/00	CAPACITY OR TITLE Darryn Gibson	DATE 9/7/00

**Exhibit A Revision:****Details of the Development of the Variety Enterprise**

In 1994 a single plant selection was made from a Progeny Advanced Genetics research and development production field containing approximately 80 plants of the variety Raider. Raider is commercially available from Genecorp seed and is an iceberg type of lettuce. This particular plot was planted by Progeny Advanced Genetics research personnel, to be used as a parent line for the development of new varieties. Upon evaluation of the research plot, a small percentage of offtypes were evident in the plot of Raider. Unique and distinct offtypes were selected.

One selection in particular was a distinct and unique off-type, a suspected out cross that was distinctly larger heading and larger framed, and had a more savoyed leaf texture than the remaining Raider plants in the plot. This particular plant was flagged at the market maturity heading stage and monitored as it developed further. This selection was noted as earlier bolting than the remaining true to type Raider plants and produced a distinctly large seed head.

The S1 seed was harvested in September 1994. A portion of that seed was included in Progeny Advanced Genetics research trials in 1995 in the lettuce production area of Yuma, Arizona. In each of those research trials Raider was also evaluated. The S1 line was noted as segregating for size and type. Larger more savoyed textured plants and smaller smoother plants were noted in the plot. The larger heading, larger framed and more savoyed plants were also found to be earlier bolting as indicated by their higher cores, and were obviously out of slot in comparison to Raider.

The S1 seed was planted in 1995 in a Progeny Advanced Genetics research and development seed production plot in the San Joaquin Valley. Several individual plant selections were made. The larger heading and larger framed plants with a more savoyed leaf texture and earlier maturity were selected. Though the S1 was believed to be an outcross, it was apparent by the segregation pattern that the suspected pollen donor was an iceberg variety somewhat more vigorous than Raider. The selected plants were harvested in mass, producing the S2 seed in August of 1995.

The S2 seed was planted in Yuma, Arizona in research and development plot trials containing the variety Raider during the 1996 and 1997 growing seasons, and in larger strip trials in 1997. Slight segregation was noted, and it was indicated that there was a small presence of the smaller heading, smaller framed, smoother plants. The S2 seed was again planted in a research and development block in a San Joaquin Valley production field in 1997. The block was heavily rogued at multiple stages of growth during the seed production cycle. First, at market maturity all smaller heading, smaller framed and smoother plants were removed. Second, at the bolting stage, all of the latest bolting plants were removed, and third, at flowering, all of the late flowering plants were rogued. This intense rogueing of the S2 plants left only the most vigorous, largest heading and largest framed plants with the heavier savoyed leaf texture, and earlier bolting tendencies. These remaining plants were then mass harvested to produce S3 seed.

The S3 seed was planted in strip trials in Yuma, Arizona in 1998 demonstrating excellent uniformity and improved size and vigor compared to Raider. The seed was again increased in 1998 in the research and development seed production plot in a Progeny Advanced Genetics San Joaquin Valley production field. The variety was noted as uniform and stable without variants. The block was harvested in mass to produce the S4 seed.

The S4 seed was then again increased in 1999. The variety was noted to be uniform and stable without variants and identified as Enterprise.

200000341

Enterprise as observed in field trials and seed production crops has been uniform, stable and without variants for 2 generations. Enterprise was first sold on September 15, 1999 to a commercial lettuce grower in Yuma, Arizona.



Exhibit B Revised

Statement of Distinctness of the Variety Enterprise

Enterprise most closely resembles its parent variety Raider. Enterprise is a unique and distinct variety and statistically different from its parental variety Raider as it has a larger head diameter, produces a heavier head, is later maturing, and it is adapted to a later fall growing period than Raider. When grown together for trial purposes, Enterprise is distinct by appearance as the head size is obviously larger, with later maturity and it has a slightly darker color, and a much more savoyed leaf texture.

Distinctions:

Enterprise is larger head diameter than Raider

Enterprise produces a heavier head than Raider

Enterprise is later maturing than Raider

Enterprise has a much more savoyed leaf texture than Raider

Planting Dates/Locations:

Enterprise: September 20—September 30. Yuma, Arizona

Raider: September 10—September 22. Yuma, Arizona

Additional characteristics that distinguish Enterprise from Raider;

Characteristic	'Enterprise'	vs	'Raider'
Fourth leaf undulation	Flat		Medium
Fourth leaf rolling	Absent		Present
Mature leaf indentation	Crenate		Shallowly dentate
Glossiness	Dull		Moderate
Blistering	Blistering		Moderate
Butt shape	Rounded		Flat

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
~~COMMODITIES SCIENTIFIC SUPPORT DIVISION~~
OBJECTIVE DESCRIPTION OF VARIETY
LETTUCE *Lactuca sativa*

EXHIBIT C

NAME OF APPLICANT (S) PROGENY ADVANCED GENETICS, INC ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code) 1536 B MOFFETT ST SALINAS CA 93905	FOR OFFICIAL USE ONLY PVPO NUMBER <div style="font-size: 2em; font-family: monospace;">200000341</div> VARIETY NAME EXPERIMENTAL DESIGNATION
---	---

Place numbers in the boxes for the characters which best describe this variety. Measured data should be the mean of an appropriate number (at least 10) of well spaced plants. Royal Horticultural Society or any recognized color standard may be used to determine plant colors.

The location of the test area is: YUMA, ARIZONA	Color System Used: MUNSELL COLOR CHART FOR PLANT TISSUES
---	--

1. PLANT TYPE: (See list of suggested check varieties page 4.)

☐ 0 ☒ 6

- | | | |
|-------------------|---------------------------|----------|
| 01-Cutting/Leaf | 05-Great Lakes Group | 09-Stem |
| 02-Butterhead | 06-Vanguard Group | 10-Latin |
| 03-Bibb | 07-Imperial Group | 11-OTHER |
| 04-Cos or Romaine | 08-Eastern (Ithaca) Group | |

2. SEED:	COLOR <input checked="" type="checkbox"/> 2 1=White (Silver Gray) 2=Black (Gray Brown) 3=Brown (Amber)	LIGHT DORMANCY <input type="checkbox"/> 1=Light Required 2=Light Not Required	HEAT DORMANCY <input type="checkbox"/> 1=Susceptible 2=Not Susceptible
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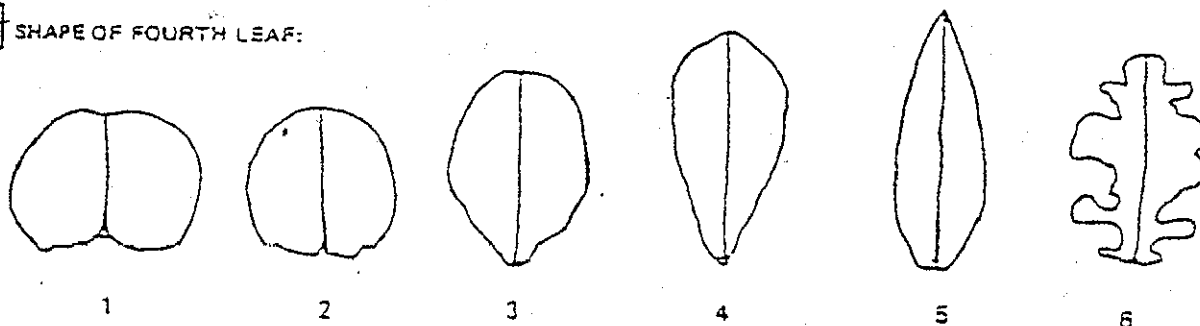
3. COTYLEDON TO FOURTH LEAF STAGE: NOTE: Provide a color photograph or photocopy of the fourth leaf from 20 day old seedling grown under optimal conditions.

☒ 2

SHAPE OF COTYLEDONS: 1=Broad 2=Intermediate 3=Scutulate

☒ 4

SHAPE OF FOURTH LEAF:



☒ 8

LENGTH/WIDTH INDEX OF FOURTH LEAF: LW x 10

☒ 3

APICAL MARGIN:

- | | | |
|------------------|----------------------|-------------------|
| 1=Entire | 4=Moderately Dentate | 7=Lobed |
| 2=Crenate/Gnawed | 5=Coarsely Dentate | 8=OTHER (specify) |
| 3=Finely Dentate | 6=Incised | |

☒ 4

BASAL MARGIN:

☒ 1

UNDULATION:

- | | | | |
|--------|----------|----------|----------|
| 1=Flat | 2=Slight | 3=Medium | 4=Marked |
|--------|----------|----------|----------|

☒ 4

GREEN COLOR:

- | | | | |
|----------------|----------------|----------------|--------------|
| 1=Yellow Green | 3=Medium Green | 5=Blue Green | 7=Gray Green |
| 2=Light Green | 4=Dark Green | 6=Silver Green | |

ANTHOCYANIN:

☒ 1

DISTRIBUTION:

- | | | |
|---------------|--------------|-------------------|
| 1=Absent | 3=Spotted | 5=OTHER (specify) |
| 2=Margin Only | 4=Throughout | |

☒ 1

CONCENTRATION:

- | | | |
|---------|------------|-----------|
| 1=Light | 2=Moderate | 3=Intense |
|---------|------------|-----------|

☒ 1

ROLLING:

- | | |
|----------|-----------|
| 1=Absent | 2=Present |
|----------|-----------|

☒ 1

CUPPING:

- | | | |
|------------|----------|------------|
| 1=Uncupped | 2=Slight | 3=Markedly |
|------------|----------|------------|

☒ 1

REFLEXING:

- | | | |
|--------|-----------------|-------------------|
| 1=None | 2=Apical Margin | 3=Lateral Margins |
|--------|-----------------|-------------------|

6

4. MATURE LEAVES (observe harvest-mature outer leaves):

NOTE: Provide color photo of harvest-mature leaves which accurately shows color and margin characteristics.

MARGIN:

2	INCISION DEPTH: (deepest penetration of the margin)	1=Absent/Shallow (Dark Green Boston)	2=Moderate (Vanguard)	3=Deep (Great Lakes 659)
4	INDENTATION: (finest divisions of the margin)	1=Entire (Dark Green Boston)	3=Deeply Dentate (Great Lakes 659)	5=OTHER (specify)
		2=Shallowly Dentate (Great Lakes 65)	4=Crenate (Vanguard)	
2	UNDULATION OF THE APICAL MARGIN:	1=Absent/Slight (Dark Green Boston)	2=Moderate (Vanguard)	3=Strong (Great Lakes 659)
4	GREEN COLOR:	1=Very Light Green (Bibb)	3=Medium Green (Great Lakes)	5=Very Dark Green
		2=Light Green (Minetto)	4=Dark Green (Vanguard)	6=OTHER
ANTHOCYANIN (grown at or below 10 C):				
1	DISTRIBUTION:	1=Absent	3=Spotted (Calif. Cream Butter)	5=OTHER (specify)
		2=Margin Only (Big Boston)	4=Throughout (Prize Head)	
--	CONCENTRATION:	1=Light (Iceberg)	2=Moderate (Prize Head)	3=Intense (Ruby)
2	SIZE:	1=Small	2=Medium	3=Large
1	GLOSSINESS:	1=Dull (Vanguard)	2=Moderate (Salinas)	3=Glossy (Great Lakes)
3	BLISTERING:	1=Absent/Slight (Salinas)	2=Moderate (Vanguard)	3=Strong (Prize Head)
3	LEAF THICKNESS:	1=Thin	2=Intermediate	3=Thick
1	TRICHOMES:	1=Absent (smooth)	2=Present (spiny)	

5. PLANT (at market stage. Choose a comparison variety appropriate for this type.):

SPREAD OF FRAME LEAVES:

5 0 cm This Variety 5 0 cm RAIDER (specify comparison variety)

HEAD DIAMETER (market trimmed with single cap leaf):

1 6 cm This Variety 1 4 cm RAIDER (specify comparison variety)

3	HEAD SHAPE:	1=Flattened	3=Spherical	5=Non-Heading
		2=Slightly Flattened	4=Elongate	6=OTHER

2	HEAD SIZE CLASS:	1=Small	2=Medium	3=Large
---	------------------	---------	----------	---------

2 4 HEAD COUNT PER CARTON

HEAD WEIGHT:

8 2 0 g This Variety 6 9 4 g RAIDER (specify comparison variety)

3	HEAD FIRMNESS:	1=Loose	3=Firm
		2=Moderate	4=Very Firm

6. BUTT (bottom of market-trimmed head):

3	SHAPE:	1=Slightly Concave	2=Flat	3=Rounded
---	--------	--------------------	--------	-----------

2	MIDRIB:	1=Flattened (Salinas)	2=Moderately Raised	3=Prominently Raised (Great Lakes 659)
---	---------	-----------------------	---------------------	--

7. CORE (stem of market-trimmed head):

3 7 mm Diameter at base of head

4 3 Ratio of head diameter/core diameter

4 0 Core height from base of head to apex:

mm This Variety 4 1 mm RAIDER (specify comparison variety)

8. BOLTING (Give First Water Date 5/11/00):

NOTE: First Water Date is the date seed first receives adequate moisture to germinate. This can and often does equal the planting date.

6 0 Number of days from First Water Date to seed stalk emergence (summer conditions):

This Variety 6 1 RAIDER (specify comparison variety)

3	BOLTING CLASS:	1=Very Slow	3=Medium	5=Very Rapid
		2=Slow	4=Rapid	

9 0 Height of mature seed stalk:

cm This Variety 7 8 cm RAIDER (specify comparison variety)

Spread of Bolter Plant (at widest point):
 3 9 cm This Variety 3 2 cm **RAIDER** (specify comparison variety)

2	BOLTER LEAVES:	1=Straight	2=Curved
2	MARGIN:	1=Entire	2=Dentate
2	COLOR:	1=Light Green	2=Medium Green 3=Dark Green
BOLTER HABIT:			
2	TERMINAL INFLORESCENCE:	1=Absent	2=Present
2	LATERAL SHOOTS: (above head)	1=Absent	2=Present
1	BASAL SIDE SHOOTS:	1=Absent	2=Present

9. MATURITY (earliness of harvest-mature head formation):

NOTE: Complete this section for at least one season.

SEASON	Applic. 1/ #of days	Check 2/ #of days	CHECK VARIETY 2/
Spring	<input type="text"/>	<input type="text"/>	
Summer	<input type="text"/>	<input type="text"/>	
Fall	<input type="text"/> 7 7	<input type="text"/> 7 5	RAIDER
Winter	<input type="text"/>	<input type="text"/>	

Give planting date(s), and location(s):

Spring _____

Summer _____

Fall

SEPTEMBER 20-- SEPTEMBER 30. YUMA, ARIZONA

Winter _____

1/ First water date to harvest.

2/ Fill in check variety name on the appropriate line.

10. ADAPTATION:

PRIMARY REGIONS OF ADAPTION (tested and proven adapted):

(0=Not tested

1=Not Adapted

2=Adapted)

2	Southwest (Calif., Ariz. desert)	0	West Coast	0	Northeast
0	Northcentral	0	Southeast		OTHER _____
SEASON:					
0	Spring (area _____)	2	Fall (area YUMA, ARIZONA)		
0	Summer (area _____)	0	Winter (area _____)		
0	GREENHOUSE:	0=Not tested	1=Not Adapted	2=Adapted	
3	SOIL TYPE:	1=Mineral	2=Organic	3=Both	

11. DISEASES AND STRESS REACTIONS (0=Not tested; 1=Susceptible; 2=Intermediate; 3=Resistant; 4=Highly resistant; 5=Tolerant):

VIRUS

- RAO
3/21/06
- 1 ☒ Big Vein
☐ Lettuce Mosaic
☐ Cucumber Mosaic
☐ Broad Bean Wilt
☐ Turnip Mosaic
☐ Beet Western Yellows
☐ Lett. Infectious Yellows
☐ Other Virus _____

FUNGAL/BACTERIAL

- 1 ☒ Corky Root Rot (Pythium Root Rot)
1 ☒ Downy Mildew (Race _____)
☐ Powdery Mildew
1 ☒ Sclerotinia Rot
☐ Bacterial Soft Rot (Pseudomonas spp. & others)
1 ☒ Botrytis (Gray Mold)
☐ OTHER _____

INSECTS

- ☐ Cabbage Looper
☐ Root Aphids
☐ Green Peach Aphid
☐ Other Insect _____

PHYSIOLOGICAL/STRESS

- 5 ☐ Flooding
5 ☐ Heat
☐ Drought
1 ☐ Cold
☐ Salt
☐ Brown Rib (Rib Discoloration, Rib Blight)
☐ OTHER _____

POST HARVEST

- 3 ☒ Pink Rib
☐ Russet Spotting
☐ Rusty Brown Discoloration
☐ Internal Rib Necrosis (Blackheart, Gray Rib, Gray Streak)
☐ Brown Stain

12. BIOCHEMICAL OR ELECTROPHORETIC MARKERS:

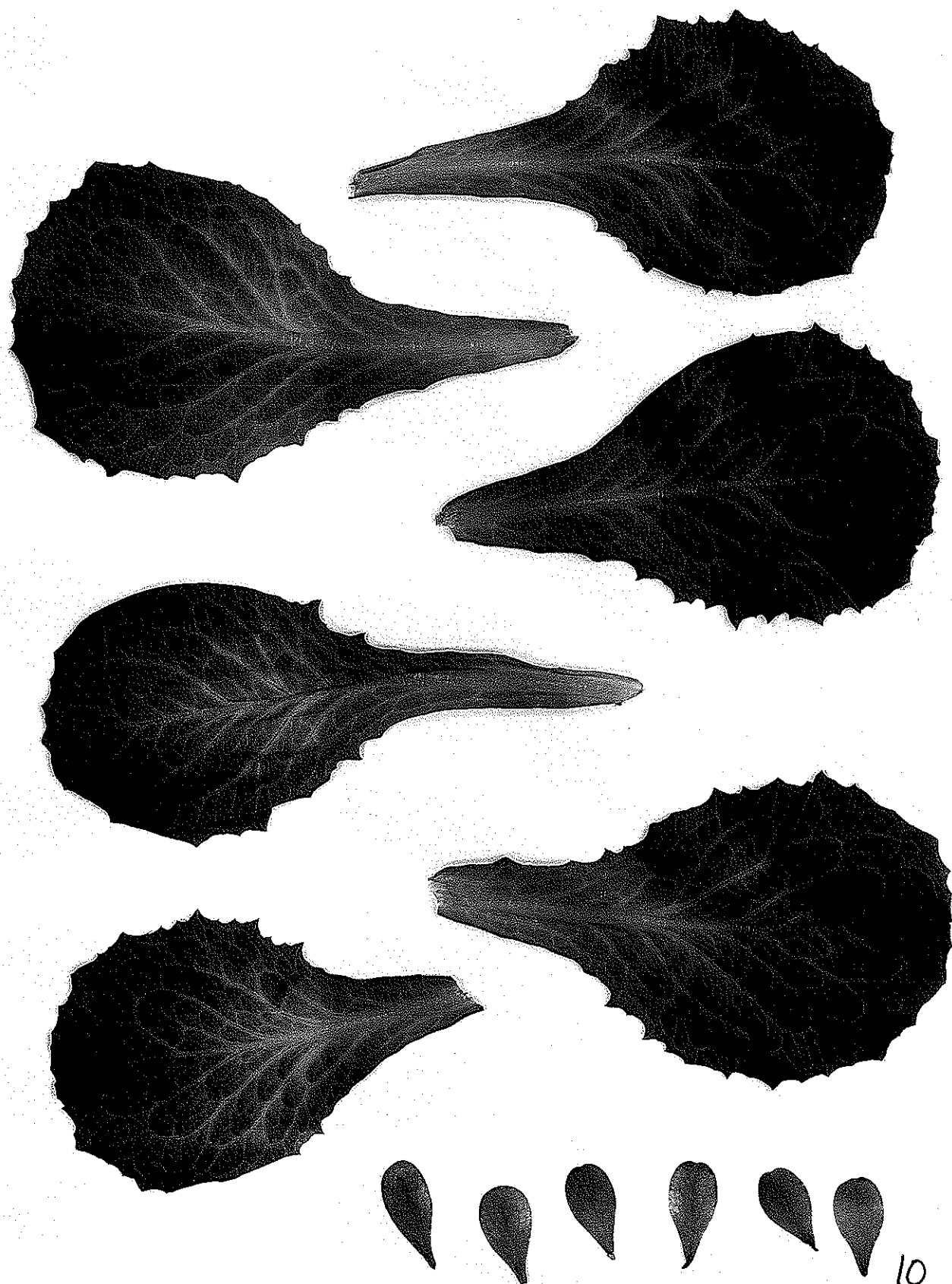
13. COMMENTS:

SUGGESTED CHECK VARIETIES

- TYPE
- 1) CUTTING/LEAF
2) BUTTERHEAD
3) BIBB
4) COS, OR ROMAINE
5) GREAT LAKES GROUP
6) VANGUARD GROUP
7) IMPERIAL GROUP
8) EASTERN GROUP
9) STEM
10) LATIN

- CHECK VARIETY
- SALAD BOWL
DARK GREEN BOSTON
BIBB
PARRIS ISLAND
GREAT LAKES 553-700
VANGUARD
VIVA
ITHACA
CELITUCE
MATCHLESS

ENTERPRISE



'Enterprise'

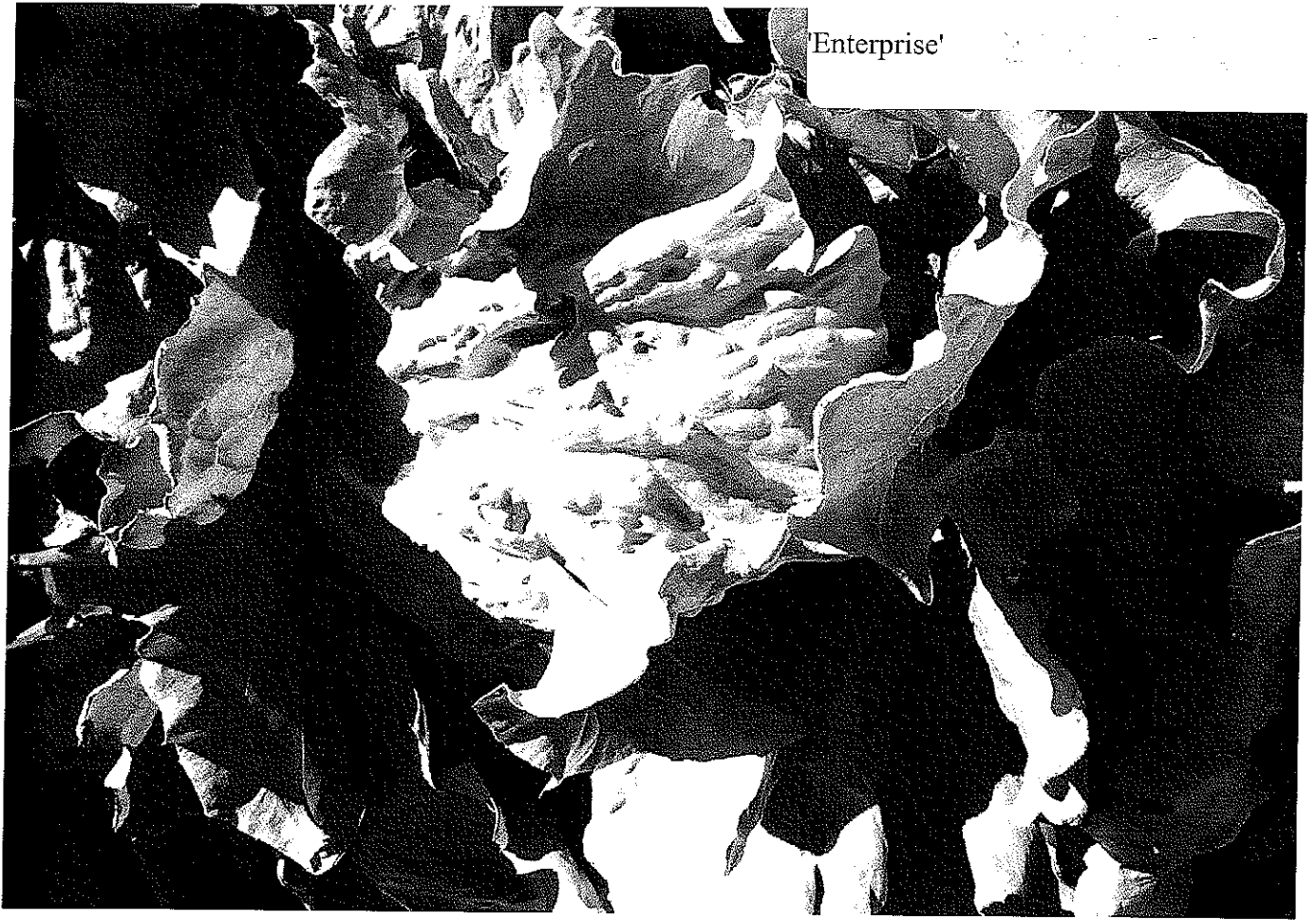


Exhibit D

Enterprise is a large, dark green, excellent heading vanguard type iceberg variety for late September plantings in the Yuma growing region. When compared to other varieties planted at this time, Enterprise exhibits heavier leaf texture and superior uniformity.

Trial map #: RYM04097 Location: Somerton Ranch/lot: Erik/8 Date evald: 1/2/2005
 Wet Date: 9/25/2004 Grower: Garcia Farms Commercial Var: Javalina Eval by: dg

	Date Mature	Days to Maturity	Color
Enterprise	1/2/2005	99	5gy5/8
Raider	12/31/2004	97	5gy5/6

Sample #	Head Diameter (mm)		Head weight (g)	
	Enterprise	Raider	Enterprise	Raider
1	15.5	15.5	789.0	679.0
2	15.9	14.9	879.0	654.0
3	16.0	15.0	698.0	532.0
4	16.0	15.0	956.0	789.0
5	15.9	15.0	879.0	765.0
6	17.0	14.5	956.0	564.0
7	15.8	16.0	905.0	789.0
8	16.4	15.6	845.0	804.0
9	16.5	14.6	721.0	879.0
10	15.9	15.4	657.0	788.0
11	15.8	15.2	904.0	732.0
12	16.0	16.0	989.0	642.0
Average	16.1	15.2	848.2	718.1
Stan dev	3.96E-01	4.88E-01	1.09E+02	1.05E+02
T test	1.43E-04		6.81E-03	
Probability %	100.0		99.3	
% Difference	-5.5		-18.1	

Trial map #: RYM04099 Location: Bard Ranch/lot: Colven 1 Date evald: 1/11/2005
 Wet Date: 9/29/2004 Grower: Circle M Commercial Var: Mohawk Eval by: DG

	Date Mature	Days to Maturity	Color
Enterprise	1/12/2005	105	5gy5/8
Raider	1/9/2005	102	5gy5/6

Sample #	Head Diameter (mm)		Head weight (g)	
	Enterprise	Raider	Enterprise	Raider
1	15.4	15.0	878	809
2	15.5	15.0	765	798
3	16.2	14.4	798	765
4	16.6	14.9	890	789
5	15.7	15.6	934	702
6	15.1	15.7	568	546
7	15.0	14.7	921	678
8	14.9	15.0	865	576
9	17.0	14.8	778	743
10	16.2	14.2	756	790
11	15.6	15.0	809	782
12	16.2	15.7	889	832
Average	15.8	15.0	820.9	734.2
Stan dev	6.60E-01	4.75E-01	1.01E+02	9.21E+01
T test	2.99E-03		3.83E-02	
Probability %	99.7		96.2	
% Difference	-5.2		-11.8	

Enterprise Trial Data 2004 2005

Trial map #: RYM05179 Location: Tacna Ranch/lot: 5/10-11 Date evald: 12/28/2005
 Wet Date: 9/26/2005 Grower: Amigo Farms Commercial Var: Enterprise Eval by: dg

	Date Mature	Days to Maturity	Color
Enterprise	12/29/2005	94	5gy5/8
Raider	12/26/2005	91	5gy5/6

Sample #	Head Diameter (mm)		Head weight (g)	
	Enterprise	Raider	Enterprise	Raider
1	16.6	15.2	754	736
2	16.5	15.4	798	756
3	16.9	14.8	904	809
4	16.7	15.6	895	621
5	16.2	14.3	679	782
6	15.4	14.7	976	876
7	15.9	15.0	809	821
8	15.0	15.0	898	840
9	15.4	16.2	854	834
10	15.3	15.1	836	732
11	15.5	15.9	943	704
12	16.3	15.0	848	800
Average	16.0	15.2	849.5	775.9
Stan dev	6.40E-01	5.25E-01	8.25E+01	7.03E+01
T test	3.17E-03		2.80E-02	
Probability %	99.7		97.2	
% Difference	-5.2		-9.5	

Trial map #: RYM05187 Location: Somerton Ranch/lot: Milton Date evald: 1/5/2006
 Wet Date: 9/29/2005 Grower: Salyer Commercial Var: Aztec Eval by: DG

	Date Mature	Days to Maturity	Color
Enterprise	1/4/2006	97	5gy5/8
Raider	1/1/2006	94	5gy5/6

Sample #	Head Diameter (mm)		Head weight (g)	
	Enterprise	Raider	Enterprise	Raider
1	15.4	14.3	889	659
2	15.0	14.9	675	678
3	15.0	14.2	832	643
4	14.8	14.6	896	690
5	15.2	15.0	894	712
6	15.4	14.7	645	534
7	15.9	15.4	905	756
8	16.4	14.8	899	677
9	16.3	14.2	734	805
10	15.0	14.6	965	899
11	16.7	14.2	802	754
12	15.8	13.8	723	812
Average	15.6	14.6	821.6	718.3
Stan dev	6.34E-01	4.40E-01	1.04E+02	9.49E+01
T test	1.52E-04		1.86E-02	
Probability %	100.0		98.1	
% Difference	-7.0		-14.4	

Trial map #: PD99016
 Wet Date: 9/22/99
 Date evald: 12/5/99
 Location: Yuma Valley
 Grower: Salyer
 PVP DATA:
 Comparison of Head Characteristics
 Ranch/lot Hopper/2
 Commercial variety: Fortuna
 Maturity Date:
 1 Enterprise 12/8/99
 2 Raider 12/6/99

Sample #	Core length (cm)		Core diam. (cm)		Head diam. (cm)		Head length (cm)		Avg Head Diameter (cm)		Frame diam (cm)		Head wt. (g)	
	Enterprise	Raider	Enterprise	Raider	Enterprise	Raider	Enterprise	Raider	Enterprise	Raider	Enterprise	Raider	Enterprise	Raider
1	4.0	3.7	3.7	3.4	15.7	16.2	15.5	15.4	15.8	15.8	3.9	4.3	853	800
2	3.5	3.5	3.5	3.7	15.2	15.4	14.8	13.5	15.0	14.5	4.3	4.1	698	729
3	3.2	3.1	3.8	3.5	15.2	14.4	13.2	13.4	14.2	13.9	4.4	4.5	762	532
4	3.8	3.6	3.4	3.5	15.6	14.7	14.2	13.3	14.9	14.0	3.9	3.9	782	654
5	4.3	3.1	3.5	3.4	16.5	16.6	15.3	13.8	15.9	15.2	3.7	4.2	850	846
6	4.2	3.5	3.6	3.3	16.3	14.5	15.0	15.4	15.7	15.0	3.7	4.8	787	723
7	2.8	2.8	3.5	3.1	14.0	14.5	14.0	12.8	14.0	14.0	5.0	4.0	628	757
8	3.2	2.7	3.8	3.4	15.0	14.3	14.2	12.7	14.6	13.5	4.6	4.8	672	785
9	3.4	3.5	3.7	3.4	15.5	14.4	14.3	13.5	14.9	14.0	4.4	5.2	934	559
10	3.0	4.5	4.0	3.4	14.2	13.6	14.6	14.5	14.4	14.1	4.8	4.0	841	622
11	3.6	3.4	3.6	3.1	15.6	14.2	14.0	13.5	14.8	13.9	4.1	3.1	983	643
12	3.8	3.9	3.8	3.3	17.5	15.0	16.2	13.5	16.9	14.3	4.4	4.2	777	632
13	3.7	3.3	3.4	3.5	16.6	16.2	14.8	13.3	15.7	14.8	4.2	3.8	700	667
14	3.3	3.5	3.7	3.7	15.5	13.5	15.4	14.1	15.5	13.8	4.7	4.2	810	747
15	3.7	3.6	3.6	3.4	16.8	17.4	13.7	14.6	15.3	16.0	4.1	4.6	819	673
16	4.2	2.3	3.6	3.5	18.0	14.8	15.2	13.3	16.6	14.1	4.0	3.9	686	730
17	3.3	4.1	3.5	3.1	16.0	14.3	14.4	14.2	15.2	14.3	4.6	3.5	816	686
18	2.3	4.2	3.9	3.2	15.1	6.0	13.3	13.5	14.2	9.8	6.2	2.3	936	827
19	3.8	3.8	3.6	3.1	16.5	14.2	15.5	13.8	16.0	14.0	4.2	3.7	715	630
20	3.6	3.6	3.8	3.2	15.3	14.2	15.0	14.2	15.2	14.2	4.2	3.9	50	858
21	3.7	3.4	3.5	3.0	15.1	16.0	14.6	13.9	14.9	15.0	4.0	4.4	51	632
22	4.0	3.6	3.7	3.3	15.7	13.8	15.0	14.5	15.4	14.2	3.8	3.9	52	702
23	4.1	3.8	4.1	3.1	14.2	14.5	13.2	14.7	13.7	14.6	3.3	3.8	722	621
24	3.6	4.0	3.5	3.4	16.0	13.9	14.8	13.2	15.4	13.6	4.3	3.4	914	598
Average	3.6	3.5	3.7	3.3	15.7	14.5	14.6	13.9	15.2	14.2	4.3	4.0	792.8	682.3
Stan dev	0.4739405	0.48721	0.181579	0.190347	0.971915	2.065446	0.776232	0.716827	0.771571	1.13672	2.105892	1.954185	97.541955	84.46593
T test	6.33E-01		2.42E-07		1.11E-02		1.40E-03		1.03E-03		1.15E-01		3.25E-01	1.24E-04

Variety	Enterprise	Raider
Color	5gy5/8	5gy5/6

Trial map #: PD99017
 Wet Date: 9/23/99
 Date evald: 12/7/99
 Location: Bard
 Grower: Top Flavor/T&A
 PVP DATA:
 Comparison of Head Characteristics
 Ranch/lot Kenley/11
 Commercial variety: Annie
 Maturity Date:
 1 Enterprise 12/9/99
 2 Raider 12/7/99

Sample #	Core length (cm)		Core diam. (cm)		Head diam. (cm)		Head length (cm)		Avg Head Diameter (cm)		Avg Head Diam:Core		Frame diam (cm)		Head wt. (g)	
	Enterprise	Raider	Enterprise	Raider	Enterprise	Raider	Enterprise	Raider	Enterprise	Raider	Enterprise	Raider	Enterprise	Raider	Enterprise	Raider
1	4.5	5.0	3.8	3.6	17.3	15.5	12.8	14.3	15.1	14.9	3.3	3.0	51	51	835	837
2	4.3	3.7	3.6	3.5	15.5	13.5	13.0	12.5	14.3	13.0	3.3	3.5	48	50	826	859
3	5.0	3.5	3.8	3.5	15.0	16.5	14.8	14.3	14.9	15.4	3.0	4.4	51	50	891	730
4	3.5	5.0	3.7	3.7	15.8	14.4	12.6	14.0	14.2	14.2	4.1	2.8	51	52	775	672
5	5.0	5.5	3.6	3.6	16.8	15.5	15.3	13.1	16.1	14.3	3.2	2.9	51	48	851	598
6	3.3	4.3	3.5	3.3	17.0	15.2	13.3	14.0	15.2	14.6	4.6	2.7	49	51	836	650
7	4.0	3.6	3.7	3.7	15.1	14.3	14.2	12.2	14.7	13.3	3.7	3.1	53	49	690	838
8	5.5	4.5	3.6	3.6	15.0	14.5	14.3	12.9	14.7	13.7	2.7	3.8	50	48	927	643
9	3.5	4.0	3.6	3.5	14.5	14.3	15.0	12.5	14.8	13.4	4.2	3.0	50	48	780	602
10	4.0	3.9	3.5	3.8	15.8	14.8	12.8	13.0	14.3	13.9	3.6	3.5	49	47	943	635
11	3.5	5.2	3.9	3.4	14.5	14.5	12.8	14.3	13.7	14.4	3.9	3.7	54	53	932	728
12	4.5	6.2	4.1	3.6	17.6	17.1	14.8	16.3	16.2	16.7	3.6	3.2	51	49	907	920
13	4.5	5.0	3.8	3.5	17.0	15.4	14.5	14.2	15.8	14.8	3.5	2.4	52	48	994	818
14	4.8	3.5	3.2	3.7	15.5	15.0	15.5	13.2	15.5	14.1	3.2	2.8	50	47	893	685
15	6.8	4.3	3.5	3.2	14.8	17.5	15.3	14.3	15.1	15.9	2.2	4.5	51	52	866	725
16	5.5	5.6	3.7	3.8	14.5	15.1	14.8	12.8	14.7	14.0	2.7	3.2	48	48	711	738
17	3.2	7.2	3.6	4.1	18.4	15.6	13.8	14.3	16.1	15.0	5.0	2.1	53	50	898	623
18	3.6	4.5	3.4	3.9	17.2	15.3	13.5	14.0	15.4	14.7	4.3	3.3	47	52	720	635
19	3.8	6.8	3.5	3.3	15.0	14.9	15.2	13.2	15.1	14.1	4.0	2.1	50	51	763	814
20	4.4	3.8	4.0	3.2	16.5	14.5	15.5	14.5	16.0	14.5	3.6	3.8	50	50	1107	714
21	5.0	4.2	3.9	3.7	16.0	15.2	13.5	13.2	14.8	14.2	3.0	3.4	52	49	720	652
22	3.7	6.5	3.5	3.5	16.2	16.1	15.5	12.4	15.9	14.3	4.3	2.2	48	48	823	563
23	3.2	3.8	3.6	3.6	15.4	14.5	13.5	14.0	14.5	14.3	4.5	3.8	49	53	745	652
24	3.8	4.2	3.8	3.4	16.3	15.1	14.2	13.6	15.3	14.4	4.0	3.4	50	47	952	635
Average	4.3	4.7	3.7	3.6	15.9	15.2	14.2	13.6	15.1	14.4	3.6	3.2	50.3	49.6	849.4	706.9
Stan dev	0.8808654	1.079822	0.201759	0.215647	1.090265	0.913654	0.991842	0.922416	0.682812	0.805945	0.6807736	0.653109	1.736228	1.906796	101.59331	95.54462
T test	1.17E-01		1.35E-01		1.13E-02		4.93E-02		3.56E-03		2.21E-02		1.85E-01		8.67E-06	

Variety	Enterprise	Raider
Color	5gy5/8	5gy5/6

Production Year: 2000 Date Eval: 8/31/00 Area: SJV
 Block: 10 Eval By: dg
 Variety: Enterprise Wet Date: 5/11/00

Plant number	Height mature Seed Stalk		Width of Seed Head	
	Enterprise	Raider	Enterprise	Raider
1	86	85	32	30
2	92	84	36	27
3	93	82	36	32
4	89	82	38	29
5	87	85	32	28
6	96	82	32	28
7	84	82	38	29
8	89	85	36	36
9	94	86	37	32
10	89	80	40	31
11	89	70	40	36
12	84	82	42	37
13	84	74	42	30
14	86	70	41	33
15	97	71	42	36
16	85	74	43	33
17	96	72	41	32
18	92	72	38	32
19	95	71	45	30
20	92	70	39	30
Average	89.95	77.95	38.5	31.55
Standard Dev	4.3585971	6.17699467	3.734618	2.928535
T-Test		2.8269E-06		4.78E-08

*T-Test compares Variety to: Enterprise

Bolting Habit	
Lateral shoots btwn head and seed stalk	Enterprise
Lateral shoots above seed head	Raider
Basal shoots	No

Bolting Date	
Enterprise	Raider
	7/11/00

Bolting Leaves	
Shape: Straight or curved	
Enterprise	Raider
Curved	Curved

Margin	
Smooth or Dentate	
Enterprise	Raider
Dentate	Dentate vs entire

Color	
Lt, Med, Dark	
Enterprise	Raider
Medium	Medium vs D. Green

Terminal Inflorescence	
Yes, No	
Enterprise	Raider
Yes	Yes

Seed Color	
Enterprise	Raider
Black	Black

RAD
3/21/00

200000341

Trialing Protocol for Intellectual Property Protection.

I. Set Up

1. Parental lines and competing varieties are identified.
2. Primary slots are identified.
3. Necessary accession lines are located and purchased/received from seed dealers or growers.
4. All varieties are assigned a number to maintain integrity, and anonymity.
5. Trials are set up in the Progeny warehouse with all necessary varieties. Variety arrangement for trial is diagramed.

II. Planting

1. Commercial plantings are located by contacting commercial growers during the planting slot recommended for the variety.
2. Field is located during commercial planting, and the necessary rows and area is marked off by a Progeny employee with proper training.
3. Varieties are planted according to diagram, in 100 ft. ranges.
4. All varieties are planted in same manner, to mimic the planting of the commercial variety as closely as possible.
5. A trial map is drawn diagramming the trial, the trial location in the field, and directions to the field.

III. Maintenance

1. All varieties are treated identically. The grower handles all watering, fertilization, and pest control, as if it was no different from the commercial field it is grown with.
2. Thinning of the trial is done by a crew contracted by the commercial grower.

IV. Evaluation

1. Evaluations are done as near to the time of the commercial harvest as possible by knowledgeable Progeny employees.
2. The evaluation is conducted "blindly". The evaluator(s) do not have the key to the trial at the time of evaluation.
3. 24 heads of each variety are evaluated.
 - a. The frame diameter of 24 random plants are measured to the nearest cm.
 - b. 24 mature heads of each variety are cut to the cap leaf.
 - c. The heads are carried to an adequate work station
 - d. The following measurements are then conducted and recorded:
 1. Each head is weighed to the nearest gram.
 2. The core diameter of each head is measured to the nearest mm.
 3. The heads are then sliced in to halves, discarding 1 half.
 4. The core lengths (from the cut stem to the core tip) are measured to the nearest mm.
 5. The head length (from the cut stem to the cap leaf) is measured to the nearest mm.
 6. The head diameter (at its widest point) is measured to the nearest mm.
 7. The ideal maturity or harvest date is then estimated based on the solidity of the head, the core length and any other physiological characteristics present.
 8. The leaf color is documented using the Munsell Color Charts for Plant Tissue.
 - e. From these measurements, we then use an Excell program to calculate the averages, the standard deviations and the T-Tests for the compared varieties.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) PROGENY ADVANCED GENETICS, INC.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER PX 796	3. VARIETY NAME ENTERPRISE
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 1536 B MOFFETT ST SALINAS CA 93905		5. TELEPHONE (include area code) 831-751-6030	6. FAX (include area code) 831-751-6032
		7. PVPO NUMBER 200000341	
8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
9. Is the applicant (individual or company) a U.S. national or U.S. based company? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If no, give name of country			
10. Is the applicant the original owner? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If no, please answer one of the following:			
a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)? <input type="checkbox"/> YES <input type="checkbox"/> NO If no, give name of country			
b. If original rights to variety were owned by a company(ies), is(are) the original owner(s) a U.S. based company? <input type="checkbox"/> YES <input type="checkbox"/> NO If no, give name of country			
11. Additional explanation on ownership (if needed, use reverse for extra space):			

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.